

## Chapter 10

### **PLANNED UNIT DEVELOPMENT**

#### **SECTION 10.1 DESCRIPTION AND PURPOSE**

- A. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain situations these requirements might result in a less desirable situation than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD) is intended to permit such flexibility in the development of planned areas for various compatible uses allowed by the Zoning Ordinance.
- B. It is intended that the PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, either within or adjacent to the PUD.

#### **SECTION 10.2 OBJECTIVES AND QUALIFYING CONDITIONS**

- A. The following objectives shall be met by an application for a PUD:
  - 1. To provide desirable living, shopping and working environments by preserving as much of the natural character of the property as possible including, but not limited to, open space, prime farmland, stands of trees, scenic vistas, water features, floodplains, hills and similar assets.
  - 2. To encourage the provision of usable open space and recreational, commercial and other support facilities within a reasonable distance of all living units.
  - 3. To encourage a more creative and imaginative development design.
  - 4. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Planning Commission.
  - 5. To promote flexibility in design and location of structures and uses.
  - 6. To promote the efficient use of land to facilitate a more economic arrangement of buildings, vehicular and pedestrian circulations systems, land use and utilities.
  - 7. To combine and coordinate architectural styles, building forms and building relationships within the PUD.
  - 8. To provide opportunities for added development incentives in return for a site design which is consistent with the goals and policies of the Township Master Plan, with particular emphasis on the promotion of:
    - a. a vehicular access and internal circulation system offering a high level of safety and efficiency, including access coordination with contiguous parcels; and

- b. visual attractiveness resulting from the preservation of natural vegetation and open space, supplemented as necessary by additional vegetation.

B. Qualifying Conditions

1. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.
2. The property which is the subject of a PUD application must be a minimum of 10 contiguous acres in total area. The Planning Commission may permit a PUD on lesser area, but not less than five acres, if the proposed PUD substantially forwards the intent of the Objectives in Section 10.2(A).
3. To be considered as a PUD, the proposed development must fulfill at least one of the following conditions:
  - a. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings;
  - b. The PUD site exhibits significant natural features encompassing at least 25% of the land area of the PUD which will be preserved as a result of the PUD plan;
  - c. The PUD is designed to preserve in perpetuity at least 35% of the total area of the site in open space. For purposes of this Section, open space shall be defined as:
    - 1) Land which remains undeveloped, in a natural state, free from encumbrances by buildings, structures, parking lots and like features; or
    - 2) Land which as been designed and constructed to function as recreational open space for the benefit of the occupants, visitors and/or patrons of the PUD. Examples of such open space lands include, but are not limited to, golf courses (i.e. greens, fairways and associated lands), parks and playgrounds, field game areas devoted to such uses as soccer or baseball, non-motorized pathways, agricultural uses (i.e. cultivated fields, pasture land, and so forth but not including intensive livestock operations), stables, outdoor recreation areas and like features or areas as approved by the Planning Commission. In the event a non-agricultural open space use is to be made available for use by persons other than the occupants of the development and their guests, only one-half of the area of the open space may be included in the calculation of overall density.
  - d. The PUD site exhibits significant natural features (e.g. wetlands, surface water bodies, steep topography and other such natural features) over a majority of the site rendering compliance with the strict requirements of this Ordinance impractical.
4. Provision shall be made, by restrictive covenant, master deed or other appropriate legal means, so that areas of the PUD designated as open

space and considered in determining overall density of the project shall remain as such. Areas counted as open space for one development shall not be counted as open space for a different development.

### **SECTION 10.3 APPLICATION PROCEDURES**

- A. Application: At a minimum, an application for a PUD shall consist of:
  - 1. A completed application form as provided by the Zoning Administrator;
  - 2. Payment of a fee as may be established by Resolution of the Township Board from time to time; and
  - 3. A site plan meeting the requirements of Chapter 4.
- B. Processing: The PUD shall be processed as a Special Land Use.
- C. Review and Approval: In reviewing a PUD application, the Planning Commission shall consider:
  - 1. The application for a PUD;
  - 2. Comments received at the public hearing;
  - 3. The site plan;
  - 4. Other materials submitted in relation to the application;
  - 5. The requirements of this Chapter; and
  - 6. The criteria for approval stated in Section 9.4.
- D. The Planning Commission shall deny, approve, or approve the PUD application with conditions. The Planning Commission's decision shall state the basis for said decision and any conditions relating to an affirmative decision.

### **SECTION 10.4 BASIS OF DETERMINATION**

Prior to approval of a PUD application, the Planning Commission shall ensure that the standards specified in this Chapter, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the PUD under consideration.

- A. The Planning Commission shall review the particular circumstances of the PUD application and shall approve a PUD only upon a finding of compliance with each of the following standards:
  - 1. The General Standards for Special Land Uses;
  - 2. The Site Plan Review Standards;
  - 3. The applicable standards of this Chapter; and
  - 4. Any applicable standards as may be established elsewhere in this Ordinance.
- B. The Planning Commission may impose conditions with the approval of a PUD which are necessary to ensure compliance with the standards of approval stated in this Chapter and any other applicable standards contained in this Ordinance.

Such conditions shall be considered an integral part of the PUD approval and subject to enforcement by the Zoning Administrator.

**SECTION 10.5 PUD PERMITTED USES BY ZONING DISTRICT AND LARGE PARCEL PUD**

- A. The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:
1. Agricultural (AG) District:
    - a. Single family detached dwellings – limited to the equivalent of the number of lots permitted in compliance with the Land Division Act, PA 591 of 1996, amended by PA 87 of 1997, and lot standards of this Ordinance.
    - b. Public or private golf courses (minimum 18-hole course of regulation size).
  2. Single (RR, SR and MHP) and Waterfront (WR) Residential Districts:
    - a. Single-family detached dwellings.
    - b. Public parks and playgrounds.
    - c. Public and private schools.
    - d. Public or private golf courses (minimum 18-hole course of regulation size).
  3. Multi-Family (UR) Residential District:
    - a. Single-family detached dwellings (minimum 18,000 square feet of lot area per unit).
    - b. Two-family dwellings (minimum 36,000 square feet of lot area per two-family dwelling).
    - c. Multiple-family dwellings (maximum four units per acre).
    - d. Public parks and playgrounds.
    - e. Commercial uses which are clearly accessory and compatible with a proposed residential development and which form an integral part of said development, subject to the following:
      - i. The area devoted to commercial buildings and parking lots used for commercial purposes shall not exceed 25% of the total site area.
      - ii. Unless otherwise permitted by the Planning Commission, the commercial aspects of the project shall not begin until at least 40% of the proposed residential units are constructed.
  4. Commercial Districts:
    - a. Any use (by right or with special approval) permitted by the underlying Zoning District.
    - b. Multiple family development which is designed as an integral part of the commercial portion of the project, subject to the following:
      - i. The area devoted to residential buildings and residential parking lots shall not exceed 50% of the total site area.

- ii. Unless otherwise permitted by the Planning Commission, the residential aspects of the project shall not begin until at least 40% of the proposed commercial uses are constructed.
  - iii. Residential density shall not exceed four units per acre.
- 5. Industrial District: Any use (by right or with special approval) permitted by the underlying Zoning District.

**B. Large Parcel PUD**

- 1. Size, Location and Uses – A PUD possessing not less than 100 acres shall be permitted in any Zoning District and may be permitted to combine any of the uses of the Agricultural, Single-Family Residential, Waterfront Residential and Multiple-Family Zoning Districts. Uses of the Commercial District may also be included, provided said uses shall not exceed 25% of the total site area.
- 2. Design Standards – In addition to the Special Land Use and Site Plan Review Standards of this Ordinance, a large parcel PUD shall meet the following design standards:
  - a. Residential Uses – shall meet or exceed the residential standards of the UR District (Section 6.2).
  - b. Commercial Uses – shall meet or exceed the commercial standards of the OSC-2 District.

**SECTION 10.6 GENERAL DESIGN STANDARDS**

- A. Net Developed Area – The total amount of land to be used for the calculation of the permitted density shall be the net developable area. Said area shall be determined by taking the total site area and subtracting lands used or dedicated for public easements and public or private road right-of-way. Additionally, 50% of that portion of the site area classified as regulated wetland or floodplain, and 50% of that portion of the site area devoted to an existing surface water body (e.g. lake, river, stream, etc.) shall also be subtracted from the total site area when calculating net developed area.
- B. Setbacks – The minimum setback for all lots or parcels shall comply with the underlying Zoning District.
- C. Maintenance of Natural Vegetation – All open space and other non-developed areas shall be retained in natural vegetation. If void of such vegetation, all open space and non-developed areas shall be landscaped as approved by the Planning Commission. The PUD application shall include a long-term maintenance plan (program) detailing how open space and other non-developed areas will be maintained.
- D. Site and Building Design – The site and buildings shall be designed and constructed in a harmonious, integrated manner with similar or compatible architectural and site development elements.

- E. Residential Density – Unless otherwise stipulated by Section 9.5, the residential density shall not exceed that of the underlying Zoning District.
- F. Utilities – All electric, television cable, telephone transmission wires or other utility lines within the PUD shall be placed underground.
- G. Signs – Signs are permitted in accordance with the standards of the underlying Zoning District.
- H. Service Drives (Cross-over Drives) – As required by the Planning Commission, service drives shall be constructed to permit the internal flow of traffic from one site to an adjoining site, as opposed to use of the adjoining public road for purposes of cross-site access. In the event that adjoining sites are undeveloped, the applicant shall provide a service drive easement within which a future service drive may be constructed.
- I. Shared Drives – Provisions for shared driveways by individual units may be made as appropriate to minimize removal of vegetation or alteration of existing slopes.
- J. Agency Review – All projects shall be subject to review and approval by the Montcalm County Health Department, Montcalm County Road Commission, Michigan Department of Transportation, Montcalm County Drain Commissioner and other applicable local, State and Federal agencies having jurisdiction over the site, adjoining roadways and proposed development.

## **SECTION 10.7 DEVELOPMENT AND DENSITY INCENTIVES**

To encourage the establishment of projects highly consistent with Sections 9.1 and 9.2, the PUD regulations offer opportunity for certain development and density incentives. The incentives requested by an applicant must be fully detailed and described as part of the PUD application.

Development and density incentives are subject to approval by the Planning Commission. In approving development and density incentives, the applicant must demonstrate to the satisfaction of the Planning Commission that all requisites for receipt of such incentives have been met.

- A. Residential Bonus – In order to preserve the maximum amount of open space, the regulation of PUDs provides for an increase in the total number of dwelling units according to the following schedule. For purposes of this Chapter, the term 'open space' shall mean any lands not occupied by a building or structure or counted as a yard for such building or structure within the PUD. All land set aside as open space shall be deed-restricted to ensure that the open space remains in perpetuity and shall not be used as land for the construction of additional dwellings nor used for any other development.

1. A PUD providing at least 40% of open space shall be entitled to an additional 15% of the number of dwelling units otherwise permitted in this Chapter.
2. A PUD providing between 41% and 60% of open space shall be entitled to an additional 20% of the number of dwelling units otherwise permitted in this Chapter.
3. A PUD providing more than 60% of open space shall be entitled to an additional 25% of the number of dwelling units otherwise permitted in this Chapter.

In approving an increase in density, the Planning Commission may permit a decrease in the lot area requirements (lot size, lot width and setbacks) of the respective dwelling units from those normally required by the underlying Zoning District, or as specified under Section 9.5.

- B. Off-Street Parking Reduction and Joint Use of Parking
  1. The Planning Commission may permit a reduction in off-street parking not to exceed 25% of the parking normally required for the proposed use.
  2. To help satisfy parking requirements, the Planning Commission may permit the joint use (sharing) of parking lots among contiguous, commercially-developed parcels provided the applicant demonstrates that the said shared parking arrangement will satisfy the parking needs of all users during normal periods. To authorize the joint use of parking lots, the applicant must provide documentation of a binding agreement among applicable parties specifying the right to share parking.
- C. Joint Use of Drainage Facilities – Subject to approval of the Montcalm County Drain Commissioner, the Planning Commission may permit the joint use of surface water drainage detention and retention facilities (e.g. sharing of such facilities on an area-wide basis).

## **SECTION 10.8 PROJECT PHASING**

A PUD may be phased subject to the following:

- A. The PUD application shall detail the timing and location of proposed phases.
- B. The Planning Commission may require that certain elements be completed as part of the first phase. These include, but are not limited to:
  1. Streets
  2. Utilities
  3. Drainage Features/Structures
  4. Service Drives
  5. Perimeter Landscaping

6. Internal Landscaping
  7. Other features as determined necessary and/or appropriate.
- C. Prior to the construction of future phases (e.g. any phase beyond that of the original start-up phase), the applicant shall provide a site plan to the Zoning Administrator for purposes of determining that all conditions of the phase to be constructed, as originally approved, will be met.

## **SECTION 10.9      PERFORMANCE GUARANTEES**

The Planning Commission may require a performance guarantee as authorized by this Ordinance.

## **SECTION 10.10    PUD AMENDMENTS**

Amendments to PUDs shall be processed in the manner of an original PUD application.